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10 Attorneys for Plaintiffs
11 MARSHALL LOSKOT
12 and DISABILITY RIGHTS
13 ENFORCEMENT, EDUCATION,
14 SERVICES: HELPING YOU
15 HELP OTHERS

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 MARSHALL LOSKOT, an individual; and) CASE NO. C04-3986 CW
19 DISABILITY RIGHTS ENFORCEMENT,)
20 EDUCATION, SERVICES:HELPING)
21 YOU HELP OTHERS, a California public)
benefit corporation,)
Plaintiffs,)
v.)
DIABLO MAZDA SUBARU; MARVIN)
S. BENN, as trustee of the MARVIN S.)
BENN REVOCABLE TRUST; and)
DIABLO AUTO INC., a California)
corporation dba DIABLO MAZDA)
SUBARU,)
Defendants.)

22 The parties, by and through their respective counsel, stipulate to dismissal of this action
23 in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the
24 Settlement Agreement and General Release (“Agreement”), each party is to bear its own costs
25 and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction
26 over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375
27 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
28 agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action be and hereby is dismissed
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

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7 Dated: May 24, 2005

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

10 By: _____ /s/
11 Jessica A. Dayton
12 Attorneys for Plaintiffs BRENDAN PICKERN and
13 DISABILITY RIGHTS, ENFORCEMENT,
EDUCATION, SERVICES:HELPING YOU
HELP OTHERS, a California public benefit
corporation

14 Dated: April 26, 2005

MILLER, STARR & REGALIA
A PROFESSIONAL LAW CORPORATION

16 By: _____ /s/
17 David. E. Harris
18 Attorneys for Defendants MARVIN S. BENN, as
trustee of the MARVIN S. BENN REVOCABLE
TRUST; and DIABLO AUTO INC., a California
corporation dba DIABLO MAZDA SUBARU,

